

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action mailed December 13, 2006 rejected claims 1-49. This is a full and timely response to that outstanding Office Action. Upon entry of the amendments in this response, claims 1-49 are pending. More specifically, claims 1-4, 9-11, 22-28, 38, 41, 43, 44, 47, 48, and 49 are amended. These amendments are specifically described hereinafter.

I. Present Status of Patent Application

Claims 1-49 are rejected under 35 U.S.C.103(a) as allegedly being unpatentable over *Shah, et al.* (U.S. Patent No. 6,999,993) in view of *L'Heureux, et al.* (U.S. Patent No. 6,697,942). These rejections are respectfully traversed.

II. Examiner Interview

Applicant first wishes to express sincere appreciation for the time that Examiner Swearingen spent with Applicant's representative Benjie Balser during a March 2, 2007 telephone discussion regarding the above-identified Office Action. During the interview, various features described in the patent application and recited in the independent claims, including determining if the account associated with email address is authorized to implement the instruction and, if it is authorized, then implementing the instruction, and *Shah* and *L'Heureux* were discussed, and that the outcome of this discussion is addressed herein. During that conversation, Examiner Swearingen seemed to indicate

that it would be potentially beneficial for Applicant to file this amendment and response. Thus, Applicant respectfully requests that Examiner Swearingen carefully consider this amendment and response.

III. Rejections Under 35 U.S.C. §103(a)

A. Claims 1-22

The Office Action rejects claims 1-22 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Shah, et al.* (U.S. Patent No. 6,999,993) in view of *L'Heureux, et al.* (U.S. Patent No. 6,697,942). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 1, as amended, recites:

1. A method for managing a predetermined set of email messages stored on a source email server from a remote email network, said method comprising:

(a) receiving an email at the source email server, wherein the email is separate from the predetermined set of emails stored on the source email server, wherein said email has a destination email address in a first field, a code in a second field and an instruction in a third field, wherein said destination email address corresponds to a subscriber account on the remote email network;

(b) checking a database to determine if the destination email address has permission to implement the instruction; and

(c) applying the instruction to the predetermined set of emails if the permission is granted.

(Emphasis added).

Applicant respectfully submits that claim 1 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must

disclose, teach, or suggest all elements/features of the claim at issue. See, e.g., *In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that the combination of *Shah* and *L'Heureux* does not disclose, teach, or suggest at least **checking a database to determine if the destination email address has permission to implement the instruction; and applying the instruction to the predetermined set of emails if the permission is granted**. Even if, assuming for the sake of argument, *Shah* discloses user-defined email commands, *Shah* fails to disclose executing an instruction if the instruction is authorized to be implemented. Even if, assuming for the sake of argument, *L'Heureux* discloses embedding diverse data types in email messages, it fails to disclose executing an instruction if the instruction is authorized to be implemented. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 1, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 1 is allowable over the cited references of record, dependent claims 2-22 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-22 contain all the features of independent claim 1. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002); *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir.

1989). Therefore, the rejection to claims 2-22 should be withdrawn and the claims allowed.

B. Claims 23-37

The Office Action rejects claims 23-37 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Shah, et al.* (U.S. Patent No. 6,999,993) in view of *L'Heureux, et al.* (U.S. Patent No. 6,697,942). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 23, as amended, recites:

23. A method for managing a predetermined set of emails previously stored on a source email server from a remote email network, said method comprising:

(a) populating a database with subscriber email addresses corresponding to subscriber accounts authorized to remotely manage emails;

(b) receiving an email at the source email server, the email not included in the predetermined set of emails previously stored on a source email server, wherein said email has a destination email address in a first field, a code in a second field and an instruction in a third field, wherein said destination email address corresponds to a subscriber account on the remote email network;

(c) ***checking the database to determine if the destination email address has permission to implement the instruction***; and

(d) applying the instruction to the predetermined set of emails if the permission is granted.

(Emphasis added).

Applicant respectfully submits that claim 23 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 23 is allowable for at least the reason that the combination of *Shah* and *L'Heureux* does not disclose, teach, or suggest at least **checking the database to determine if the destination email address has permission to implement the instruction**. Even if, assuming for the sake of argument, *Shah* discloses user-defined email commands, *Shah* fails to disclose executing an instruction if the instruction is authorized to be implemented. Even if, assuming for the sake of argument, *L'Heureux* discloses embedding diverse data types in email messages, it fails to disclose executing an instruction if the instruction is authorized to be implemented. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 23, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 23 is allowable over the cited references of record, dependent claims 24-37 (which depend from independent claim 23) are allowable as a matter of law for at least the reason that dependent claims 24-37 contain all the features of independent claim 23. Therefore, the rejection to claims 24-37 should be withdrawn and the claims allowed.

C. Claims 38-43

The Office Action rejects claims 38-43 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Shah, et al.* (U.S. Patent No. 6,999,993) in view of *L'Heureux, et al.* (U.S. Patent No. 6,697,942). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 38, as amended, recites:

38. A method for remotely retrieving a first email from a source email server to a destination email address having a standard email client application, said method comprising:

- (a) populating a database with subscriber email addresses corresponding to subscriber accounts authorized to remotely retrieve emails;
- (b) receiving a second email on the source server, wherein said second email has the destination address in a sender field and a code in a predetermined field;
- (c) ***checking the database to verify that the destination email address is authorized to implement the code; and***
- (d) ***sending, in response to the code, the first email from the source email server to the destination email address.***

(Emphasis added).

Applicant respectfully submits that claim 38 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 38 is allowable for at least the reason that the combination of *Shah* and *L'Heureux* does not disclose, teach, or suggest at least **checking the database to verify that the destination email address is authorized to implement the code; and sending, in response to the code, the first email from the source email server to the destination email address**. Even if, assuming for the sake of argument, *Shah* discloses user-defined email commands, *Shah* fails to disclose executing an instruction if the instruction is authorized to be implemented. Even if, assuming for the sake of argument, *L'Heureux* discloses embedding diverse data types in email messages, it fails to disclose executing an instruction if the instruction is authorized to be implemented. As the cited combination

of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 38, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 38 is allowable over the cited references of record, dependent claims 39-43 (which depend from independent claim 38) are allowable as a matter of law for at least the reason that dependent claims 39-43 contain all the features of independent claim 38. Therefore, the rejection to claims 39-43 should be withdrawn and the claims allowed.

D. Claims 44-48

The Office Action rejects claims 44-48 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Shah, et al.* (U.S. Patent No. 6,999,993) in view of *L'Heureux, et al.* (U.S. Patent No. 6,697,942). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 44, as amended, recites:

44. A method for remotely managing a first email on a source email server from an email account on a remote email server, said method comprising:

- (a) receiving a second email on the source server, wherein said second email has a code in a first predetermined field;
- (b) checking a database for a subscriber account corresponding to a sender field in the second email; and
- (c) ***processing the first email according to an instruction in a second predetermined field if the email account on the remote email server is authorized to implement the instruction.***

(Emphasis added).

Applicant respectfully submits that claim 44 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a

proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 44 is allowable for at least the reason that the combination of *Shah* and *L'Heureux* does not disclose, teach, or suggest at least **processing the first email according to an instruction in a second predetermined field if the email account on the remote email server is authorized to implement the instruction**. Even if, assuming for the sake of argument, *Shah* discloses user-defined email commands, *Shah* fails to disclose executing an instruction if the instruction is authorized to be implemented. Even if, assuming for the sake of argument, *L'Heureux* discloses embedding diverse data types in email messages, it fails to disclose executing an instruction if the instruction is authorized to be implemented. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 44, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 44 is allowable over the cited references of record, dependent claims 45-48 (which depend from independent claim 44) are allowable as a matter of law for at least the reason that dependent claims 45-48 contain all the features of independent claim 44. Therefore, the rejection to claims 45-48 should be withdrawn and the claims allowed.

E. Claim 49

The Office Action rejects claim 49 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Shah, et al.* (U.S. Patent No. 6,999,993) in view of *L'Heureux, et al.* (U.S. Patent No. 6,697,942). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 49, as amended, recites:

49. A system for managing a predetermined set of emails on a source email server from a remote email network, said system comprising:

(a) a registration database on the source server, said registration database comprising a local subscriber account on said source server and an associated destination email address on the remote email network;

(b) a first module on the source email server, wherein when a first email having a code in a first field, the first email not included in the predetermined set of emails previously stored on a source email server, an instruction in a second field of the first email and a sender email address in a sender field is received on the source email server, said first module determines if the sender email address is in the database; and

(c) a second module on the source server, wherein ***if the sender email address is in the database, the second module applies the instruction to the predetermined set of emails if the second module has authorization to implement the instruction.***

(Emphasis added).

Applicant respectfully submits that claim 49 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 49 is allowable for at least the reason that the combination of *Shah* and *L'Heureux* does not disclose, teach, or suggest at least ***if the sender email address is in the database, the second module***

applies the instruction to the predetermined set of emails if the second module has authorization to implement the instruction. Even if, assuming for the sake of argument, *Shah* discloses user-defined email commands, *Shah* fails to disclose executing an instruction if the instruction is authorized to be implemented. Even if, assuming for the sake of argument, *L'Heureux* discloses embedding diverse data types in email messages, it fails to disclose executing an instruction if the instruction is authorized to be implemented. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 49, the rejection should be withdrawn for at least that reason.

IV. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-49 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 20-0778.

Respectfully submitted,

/BAB/

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